

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of the Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

By this Amendment, claims 1, 10, 18, and 20 are amended, and claims 26-28 are canceled without prejudice or disclaimer. Accordingly, claims 1-6, 10-13, 18, and 20-22 are pending in this application. No new matter is presented in this Amendment.

Claims 1-6, 10-13, 18, 20-22 and 26-28 stand rejected under 35 U.S.C. §103(a) over Fong (US 20050249169) in view of Bushey (US 20030217186). In response, claims 1, 10, 18, and 20 are amended, and as presented below, are believed to be patentable over the applied art for the failure of the applied art to disclose, teach or suggest all of Applicant's recited claim features. The cancelation of claims 26-28, as presented above, renders the rejection of these claims moot.

Independent claim 1, recites, a method for controlling a home network, comprising, *inter alia*, "determining whether a new control menu exists on server remote from the home network by accessing the remote server via the Internet" The Examiner alleges that Fong, at paragraphs [0065]-[0069], teaches this feature. Applicant respectfully disagrees.

At paragraph [0065] that describes Fig. 6, Fong appears to only disclose wherein a user of the mobile terminal 306 may want to access the Internet. Nowhere does Fong suggest that the purpose for accessing the Internet is to determine if a new control menu is available. Furthermore, at paragraph [0069] that describes the operation of the flowchart of Fig. 10, Fong specifically describes wherein the menu request message is limited to the devices on the wireless LAN. Applicant respectfully submits that the wireless LAN disclosed by Fong is a part of a home network and nowhere does Fong suggest determining whether a new control menu exists on a server remote from the home network, as recited in claim 1. Applicant submits that the only purpose served Fong in determining where the control program (not the control menu) exists, is to allow

mobile terminal 306 to execute the found control program, so as to control the associated device. Nowhere does Fong disclose a method for retrieving a new control menu from the Internet.

Although the Examiner appears to rely upon Bushey to disclose performing a second download of one or more corresponding new control programs from the Internet, Bushey fails to remedy the above disclosed discrepancy of Fong with regards to the first download of a new control menu.

Applicant respectfully submits, therefore, that claim 1 is patentable at least due to the failure of Fong in view of Bushey to disclose, teach or motivate at least the first download of a new control menu feature of claim 1.

Independent claim 10 is similar to claim 1 in that it recites a method that includes “determining whether one or more new control menus exist on an Internet connected server remote by the home network accessing the Internet according to a set period.” As submitted *supra*, the alleged combination of references fails to disclose this feature.

Furthermore, claim 10 is amend to recite “wherein the downloaded new program is stored on a piece of equipment other than the corresponding piece of equipment.” Notwithstanding any disclosure of Bushey regarding downloading a new control program, nowhere does Bushey disclose downloading a new control program to any piece of equipment other than the piece of equipment associated with the downloaded program.

Independent claims 18 and 20 are apparatus claims based upon claims 1 and 10, respectively, and are likewise patentable over the applied combination of references for the reasons presented above.

Claims 2-6, 11-13, and 21-22 depend variously from independent claims 1, 10, 18, and 20, and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of the rejections over Fong and Bushey is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); and (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution). The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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